

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

INTERNATIONAL MEDIA FILMS, INC.,

Plaintiff,

- against -

LUCAS ENTERTAINMENT, INC., ET AL.,

Defendants.

JOHN G. KOELTL, District Judge:

The defendants have moved pursuant to Local Civil Rule 54.2 to require the plaintiff to post a bond of \$450,000 to secure any award of costs and attorneys' fees that the Court may impose against the plaintiff.

Whether to require a bond pursuant to Rule 54.2 is a matter committed to the sound discretion of the Court. See, e.g., Selletti v. Carey, 173 F.3d 104, 110-11 (2d Cir. 1999); RLS Assocs. LLC v. United Bank of Kuwait PLC, No. 01 Civ. 1290, 2006 WL 3734206, at *2 (S.D.N.Y. Dec. 18, 2006). In this case, the defendants have failed to make a sufficient showing to warrant the imposition of a bond. The Court has already granted summary judgment to the defendants dismissing this case. The only possible monetary award for the defendants is an award of attorneys' fees and costs. The defendants have not attempted to show that there is a likelihood of such an award. Even if there were such an award, the defendants have failed to show that the

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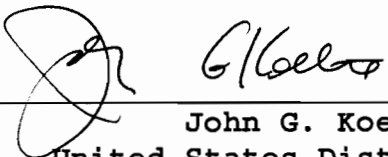
MEMORANDUM OPINION AND
ORDER

plaintiffs would be unable to pay such an award, or to post a bond at that time to forestall the need to pay the award at that time.

The motion to require the posting of a bond is therefore denied.

SO ORDERED.

Dated: New York, New York
April 12, 2010



John G. Koeltl
United States District Judge